IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Bail Appl..No. 1725 of 2007()

Crime No.18/07 of Erumapetty Police Station

: APPLICANT/ACCUSED NO.3

JAYAN K.K,AGED 33,S/O.KRISHNAN,
KANDIRITHY HOUSE,AYYAPPATH ROAD,CHOVANOOR DESOM,
CHOVANOOR VILLAGE,THALAPPILLY TALUK,THRISSUR
DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENT/COMPLAIANT/STATE

STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1725 OF 2007 A

Dated this the 22nd day of March, 2007

O R D E R

Petitioner, who is the 3rd accused in Crime No.18/07 of Erumapetty Police Station for offences punishable under section 376(2)(g) IPC and section 5(a) and (b) of the Immoral Traffic (Prevention) Act, 1956, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature where the defacto complainant, who was below the age of 18, was allegedly subjected to gang rape at the instance of the first accused, who was masquerading as her lover. But, I am, however, inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and potency test and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 27.3.2007 and 29.3.2007 for the purpose of interrogation and potency test. The petitioner shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail. Such disposal shall preferably be on the same date on which the application is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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